

**To:** Flanagan, Sarah[Flanagan.Sarah@epa.gov]  
**Cc:** Hyatt, Jr., William (william.hyatt@klgates.com)[william.hyatt@klgates.com]; Dawn Mosden Lamparello (dawn.Lamparello@klgates.com)[dawn.Lamparello@klgates.com]  
**From:** O'Toole, James  
**Sent:** Fri 8/26/2016 1:58:20 PM  
**Subject:** RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dear Sarah:

I represent the Essex County Improvement Authority ("ECIA") in the Lower Passaic matter. As detailed below in my email to you of April 19<sup>th</sup>, the ECIA joined the CPG in January 2015 in connection with assuming court ordered indemnitor responsibility for the former Celanese facility located at 354 Doremus Avenue, Newark N.J. Since January 2015, the ECIA has been attempting to sign-on to both the CPG's RI/FS AOC as well as the RM 10.9 AOC.

In April, I understand that the CPG provided EPA with a proposed amendment to the RI/FS that was acceptable to the agency. Could you update me on EPA's current efforts to amend the RI/FS AOC (as well as the RM 10.9 AOC), and when we could expect to complete the process and execute the amendments. Thanks in advance for your assistance.

Regards

Jim O'Toole

**James O'Toole**

**Shareholder/Energy & Environmental**

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**From:** O'Toole, James  
**Sent:** Tuesday, April 19, 2016 5:53 PM  
**To:** [flanagan.sarah@epa.gov](mailto:flanagan.sarah@epa.gov)  
**Cc:** Hyatt, Jr., William ([william.hyatt@klgates.com](mailto:william.hyatt@klgates.com)); Dawn Mosden Lamparello ([dawn.Lamparello@klgates.com](mailto:dawn.Lamparello@klgates.com))  
**Subject:** Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dear Ms. Flanagan:

I am writing to you on behalf of the Essex County Improvement Authority ("ECIA") in connection with its court ordered obligation to indemnify and defend Celanese Ltd. ("Celanese") for alleged environmental liabilities in the Lower Passaic River related to a former Celanese facility located at 354 Doremus Avenue, Newark N.J. ("Doremus Site"). While the ECIA continues to deny such liability, the ECIA has stepped into Celanese's shoes as a potentially responsible party for the Doremus Site. In that capacity, the ECIA has funded Celanese's Doremus Site obligations in connection with work performed by the Lower Passaic River Study Area's Cooperating Parties Group ("LPRSA CPG") under both the LPRSA RI/FS AOC and the RM 10.9 AOC. The ECIA joined the LPRSA CPG in January 2015, and assumed direct responsibility for the Doremus Site's corresponding obligations.

As you have discussed with LPRSA CPG Common Counsel over the past year, the ECIA has requested to be a signatory on those AOCs previously entered into among LPRSA CPG members and the USEPA. I understand from Dawn that the agency concurred with the ECIA's request. I realize that there have been other recent matters involving the LPRSA that have taken precedence. Can you please advise how we can expedite the process and execute the AOCs.

Regards

Jim O'Toole

**James O'Toole**

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